

Remarks/Arguments

With this paper please cancel Claims 1-17 and please enter Claims 18-24.

In the Office Action Mailed October 28, 2004, the Examiner rejected claims 1-2 and 7-13 under 35 U.S.C. 102(b) as being anticipated by US Patent No. 839,472 to Goodhue and claims 3-6 and 14-17 under 35 U.S.C. 103(a) as being obvious in view of US Patent No. 839,472 to Goodhue. The Examiner stated that "one of the outer edges reach into the space that becomes freed by the reduced diameter of the roll body of the other stalk roll (cl. 11, 12); stalk rolls are parallel (cl. 11, 13)" and relies on a portion of Figure 1 of the '472 patent.

The Applicant respectfully disagrees. What the Examiner interprets as the outer edges of one stalk roll to reaching into the space that becomes freed by the reduced diameter of the roll body of the other stalk roll is not in fact what is shown in Figure 1 of the '472 patent. The Applicant believes that the Examiner interpreted Figure 1 of the '472 patent as showing the two stalk rolls stacked one directly above the other which, if this were the case, Figure 1 could be interpreted as showing the outer edges of one stalk roll to reaching into the space that becomes freed by the reduced diameter of the roll body of the other stalk roll. However, the two stalk rolls shown in the '472 patent are not stacked one above the other but are actually set one SLIGHTLY above the other and OFF TO THE SIDE as is more clearly shown in Figure 3. What is viewed in Figure one is merely the upper stalk roller, which is closer to the viewer, obstructing parts of the second stalk roll, which is lower than the first stalk roll and farther away from the viewer, and is more clearly shown in Figure 3 (note call out characters B and C in Figures 1 and 3). Additionally, as described in the specification of the '472 patent col. 1, ll. 58-70 the device operates by traveling along a row of STANDING CORN which enters the space between the rollers at their lower end and are engaged and steadied by the cooperating spirals. In order for this to happen the stalk rolls could not be stacked one above the other as the Applicant believes the Examiner has interpreted Figure 1 of the '472 patent. Further, if one were to attempt to introduce two cooperating spirals, or spirals with twists spiraling in opposite directions as shown in Figure 1 of the '472 patent, so that the outer edges of one reach into the spaces of the other, one would quickly realize that the if such a device were to operate it would destroy itself on its first revolution due to interference

between the two spirals. Finally, nowhere in the specification of the '472 patent is there language suggesting that the outer edges of one stalk roll to reach into the space that becomes freed by the reduced diameter of the roll body of the other stalk roll. Thus, for all of the above reasons the Applicant believes the Examiner erred in the application of the '472 patent to the Applicant's pending claims.

Additionally, claim 18 includes the element "the roll body having a roll body front end with a roll body front diameter and a roll body rear end with a roll body rear diameter wherein during normal operation the roll body front end encounters a stalk of a plant prior to the roll body rear end and the roll body front diameter is greater than the roll body rear diameter." The '472 patent does not disclose a roll body having a roll body front end with a roll body front diameter and a roll body rear end with a roll body rear diameter wherein during normal operation the roll body front end encounters a stalk of a plant prior to the roll body rear end and the roll body front diameter is greater than the roll body rear diameter.

Furthermore, claim 18 includes the element "the plurality of roll drivers each having a roll driver front end attached near the roll body front end and a roll driver rear end attached near the roll body rear end wherein the plurality of roll driver front end outer edges define a stalk roll front diameter and the plurality of roll driver rear end outer edges define a stalk roll rear diameter and further wherein the stalk roll front diameter is less than the stalk roll rear diameter." The '472 patent does not disclose a plurality of roll drivers each having a roll driver front end attached near the roll body front end and a roll driver rear end attached near the roll body rear end wherein the plurality of roll driver front end outer edges define a stalk roll front diameter and the plurality of roll driver rear end outer edges define a stalk roll rear diameter and further wherein the stalk roll front diameter is less than the stalk roll rear diameter.

Additionally, claim 19 includes the element "the first roll body having a first roll body front end with a first roll body front diameter and a first roll body rear end with a first roll body rear diameter wherein during normal operation the first roll body front end encounters a stalk of a plant prior to the first roll body rear end and the first roll body front diameter is greater than the first roll body rear diameter." The '472 patent does not disclose a first roll body having a first roll body front end with a first roll body front diameter and a first roll body rear end with a first roll body rear diameter

wherein during normal operation the first roll body front end encounters a stalk of a plant prior to the first roll body rear end and the first roll body front diameter is greater than the first roll body rear diameter.

Furthermore, claim 19 includes the element "the plurality of first roll drivers each having a first roll driver front end attached near the first roll body front end and a first roll driver rear end attached near the first roll body rear end wherein the plurality of first roll driver front end outer edges define a first stalk roll front diameter and the plurality of first roll driver rear end outer edges define a first stalk roll rear diameter and further wherein the first stalk roll front diameter is less than the first stalk roll rear diameter." The '472 patent does not disclose a plurality of first roll drivers each having a first roll driver front end attached near the first roll body front end and a first roll driver rear end attached near the first roll body rear end wherein the plurality of first roll driver front end outer edges define a first stalk roll front diameter and the plurality of first roll driver rear end outer edges define a first stalk roll rear diameter and further wherein the first stalk roll front diameter is less than the first stalk roll rear diameter.

Additionally, claim 19 includes the element "the second roll body having a second roll body front end with a second roll body front diameter and a second roll body rear end with a second roll body rear diameter wherein during normal operation the second roll body front end encounters a stalk of a plant prior to the second roll body rear end and the second roll body front diameter is greater than the second roll body rear diameter." The '472 patent does not disclose a second roll body having a second roll body front end with a second roll body front diameter and a second roll body rear end with a second roll body rear diameter wherein during normal operation the second roll body front end encounters a stalk of a plant prior to the second roll body rear end and the second roll body front diameter is greater than the second roll body rear diameter.

Furthermore, claim 19 includes the element "the plurality of second roll drivers each having a second roll driver front end attached near the second roll body front end and a second roll driver rear end attached near the second roll body rear end wherein the plurality of second roll driver front end outer edges define a second stalk roll front diameter and the plurality of second roll driver rear end outer edges define a second stalk roll rear diameter and further wherein the second stalk roll front

diameter end is less than the second stalk roll rear diameter.” The ’472 patent does not disclose a plurality of second roll drivers each having a second roll driver front end attached near the second roll body front end and a second roll driver rear end attached near the second roll body rear end wherein the plurality of second roll driver front end outer edges define a second stalk roll front diameter and the plurality of second roll driver rear end outer edges define a second stalk roll rear diameter and further wherein the second stalk roll front diameter end is less than the second stalk roll rear diameter.

Additionally, claim 23 includes the element “a gap defined by the first roll body and one of the plurality of second roll driver outer edges when the one of the plurality of second roll driver outer edges is adjacent to the first roll body wherein the gap is approximately of constant width from the first roll body front end to the first roll body rear end.” The ’472 patent does not disclose a gap defined by the first roll body and one of the plurality of second roll driver outer edges when the one of the plurality of second roll driver outer edges is adjacent to the first roll body wherein the gap is approximately of constant width from the first roll body front end to the first roll body rear end.

Additionally, claim 24 includes the element “the first roll body having a first roll body front end with a first roll body front diameter and a first roll body rear end with a first roll body rear diameter wherein during normal operation the first roll body front end encounters a stalk of a plant prior to the first roll body rear end and the first roll body front diameter is greater than the first roll body rear diameter.” The ’472 patent does not disclose a first roll body having a first roll body front end with a first roll body front diameter and a first roll body rear end with a first roll body rear diameter wherein during normal operation the first roll body front end encounters a stalk of a plant prior to the first roll body rear end and the first roll body front diameter is greater than the first roll body rear diameter.

Furthermore, claim 24 includes the element “the plurality of first roll drivers each having a first roll driver front end attached near the first roll body front end and a first roll driver rear end attached near the first roll body rear end wherein the plurality of first roll driver front end outer edges define a first stalk roll front diameter and the plurality of first roll driver rear end outer edges define a first stalk roll rear diameter and further wherein the first stalk roll front diameter is less than the first

stalk roll rear diameter.” The ’472 patent does not disclose a plurality of first roll drivers each having a first roll driver front end attached near the first roll body front end and a first roll driver rear end attached near the first roll body rear end wherein the plurality of first roll driver front end outer edges define a first stalk roll front diameter and the plurality of first roll driver rear end outer edges define a first stalk roll rear diameter and further wherein the first stalk roll front diameter is less than the first stalk roll rear diameter.

Additionally, claim 24 includes the element “the second roll body having a second roll body front end with a second roll body front diameter and a second roll body rear end with a second roll body rear diameter wherein during normal operation the second roll body front end encounters a stalk of a plant prior to the second roll body rear end and the second roll body front diameter is greater than the second roll body rear diameter.” The ’472 patent does not disclose a second roll body having a second roll body front end with a second roll body front diameter and a second roll body rear end with a second roll body rear diameter wherein during normal operation the second roll body front end encounters a stalk of a plant prior to the second roll body rear end and the second roll body front diameter is greater than the second roll body rear diameter.

Furthermore, claim 24 includes the element “the plurality of second roll drivers each having a second roll driver front end attached near the second roll body front end and a second roll driver rear end attached near the second roll body rear end wherein the plurality of second roll driver front end outer edges define a second stalk roll front diameter and the plurality of second roll driver rear end outer edges define a second stalk roll rear diameter and further wherein the second stalk roll front diameter end is less than the second stalk roll rear diameter.” The ’472 patent does not disclose a plurality of second roll drivers each having a second roll driver front end attached near the second roll body front end and a second roll driver rear end attached near the second roll body rear end wherein the plurality of second roll driver front end outer edges define a second stalk roll front diameter and the plurality of second roll driver rear end outer edges define a second stalk roll rear diameter and further wherein the second stalk roll front diameter end is less than the second stalk roll rear diameter.

Finally, claim 24 includes the element “a gap defined by the first roll body and

one of the plurality of second roll driver outer edges when the one of the plurality of second roll driver outer edges is adjacent to the first roll body wherein the gap is approximately of constant width from the first roll body front end to the first roll body rear end." The '472 patent does not disclose a gap defined by a first roll body and one of the plurality of second roll driver outer edges when the one of the plurality of second roll driver outer edges is adjacent to the first roll body wherein the gap is approximately of constant width from the first roll body front end to the first roll body rear end.

In conclusion, the Applicant believes that the claims as amended place this application in condition for allowance, and such allowance is respectfully requested.

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Respectfully,



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